

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:15-CV-00406-F

LAWRENCE WAYNE HARRIS,  
Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner  
of Social Security,  
Defendant.

ORDER

This matter is before the court on the Memorandum and Recommendation ("M & R") [DE-5] of United States Magistrate Judge Robert B. Jones, Jr., filed on August 25, 2015. Plaintiff has not filed any objections to the Magistrate Judge's M & R, and the time for doing so expired on September 11, 2015.


The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This court is charged with making a *de novo* determination of those portions of the recommendation to which specific objections are made, and the court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1). In the absence of a timely-filed objection, a district court need not conduct a *de novo* review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After an independent and thorough review of the Magistrate Judge's M & R and a *de*

*novi* review of the record, the court concludes that the M & R is correct and in accordance with the law. Accordingly, the court hereby ADOPTS the Magistrate Judge's M & R, and ORDERS that Plaintiff's application to proceed in forma pauperis [DE-1] is DENIED. Plaintiff may tender to the Clerk the filing and administrative fees of \$400.00 no later than October 2, 2015. If Plaintiff fails to pay the filing fee in the allotted time, the Clerk of Court is directed to redesignate this action as a miscellaneous case and close the matter without further order from the court.

SO ORDERED.

This, the 22 day of September, 2015.

  
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JAMES C. FOX  
Senior United States District Judge